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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-488**

12 **KENNETH G. ALAMEDA, a.k.a.**
13 **KENNETH GERALD ALAMEDA**
3560 Pleasant View Lane
14 Shingle Springs, California 95628
Registered Nurse License No. 626518
Public Health Nurse License No. 67183

A C C U S A T I O N

15
16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about September 22, 2003, the Board issued Registered Nurse License Number
24 626518 to Kenneth G. Alameda, also known as Kenneth Gerald Alameda ("Respondent"). The
25 registered nurse license was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2011, unless renewed.

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1 **Public Health Nurse License**

2 3. On or about November 21, 2003, the Board issued Public Health Nurse License
3 Number 67183 to Respondent. The public health nurse license was in full force and effect at all
4 times relevant to the charges brought herein and will expire on September 30, 2011, unless
5 renewed.

6 **STATUTORY PROVISIONS**

7 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
8 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
10 the Nursing Practice Act.

11 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
12 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
13 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
14 (b), the Board may renew an expired license at any time within eight years after the expiration.

15 6. Code section 2761 states, in pertinent part:

16 The board may take disciplinary action against a certified or licensed
17 nurse or deny an application for a certificate or license for any of the following:

18 (a) Unprofessional conduct...;

19 (f) Conviction of a felony or of any offense substantially related to the
20 qualifications, functions, and duties of a registered nurse, in which event the record of
21 the conviction shall be conclusive evidence thereof.

22 7. Code section 2762 states, in pertinent part:

23 In addition to other acts constituting unprofessional conduct within the
24 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
25 person licensed under this chapter to do any of the following:

26 (b) Use any controlled substance as defined in Division 10 (commencing
27 with Section 11000) of the Health and Safety Code, or any dangerous drug or
28 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
29 in a manner dangerous or injurious to himself or herself, any other person, or the
30 public or to the extent that such use impairs his or her ability to conduct with safety to
31 the public the practice authorized by his or her license.

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1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Conviction)**

8 9. Respondent is subject to disciplinary action pursuant to Code section 2761,
9 subdivision (f), in that on June 26, 2008, in the Superior Court, Placer County, California, in the
10 matter entitled *People vs. Kenneth Gerald Alameda*, (2008), Case No. 62-79155, Respondent was
11 convicted by the court following his plea of nolo contendere to violations of Penal Code section
12 273.5, subdivision (a) (corporal injury to spouse/cohabitant/former cohabitant/child's parent), a
13 misdemeanor, and Penal Code section 148, subdivision (a)(1) (resist, obstruct, delay of peace
14 officer or emt), a misdemeanor. The circumstances of the crime are that on April 8, 2008,
15 Respondent, while extremely intoxicated, battered his wife, causing bruising and swelling to her
16 face. When officers tried to arrest Respondent, he became combative, belligerent, and resistive to
17 the arresting officers. Such conduct is substantially related to the qualifications, functions, and
18 duties of a licensed registered nurse.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Use Alcohol to an Extent or in a Manner Dangerous or**

21 **Injurious to Himself and Another)**

22 10. Respondent is subject to disciplinary action pursuant to Code section 2761,
23 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
24 subdivision (b), in that on April 8, 2008, Respondent used alcohol to an extent or in a manner
25 dangerous or injurious to himself and another, as more particularly set forth in paragraph 9,
26 above.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:


4 1. Revoking or suspending Registered Nursing License Number 626518, issued to
5 Kenneth G. Alameda, also known as Kenneth Gerald Alameda;

6 2. Revoking or suspending Public Health Nursing License Number 67183, issued to
7 Kenneth G. Alameda, also known as Kenneth Gerald Alameda;

8 3. Ordering Kenneth G. Alameda, also known as Kenneth Gerald Alameda to pay the
9 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
10 case, pursuant to Business and Professions Code section 125.3; and,

11 4. Taking such other and further action as deemed necessary and proper.
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14 DATED: 4/1/10


15 LOUISE R. BAILEY, M.ED., RN
16 Interim Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant
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